

REMARKS

This case has been carefully reviewed and analyzed in view of the Office Action dated 6 October 2003. Responsive to that Office Action, Claim 1 has now been amended, and Claim 2 newly-inserted for further prosecution. It is believed that with such amendment of Claim 1, there is a further clarification of Applicant's invention for this Patent Application.

In the Office Action, the Examiner objected to Claim 1 for not being in proper claim format. The Examiner also rejected Claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner stated that the Claim contains numerous idiomatic errors, and that the phrase "a layer of 3D-animation ... to the surface of the inner cup" is both confusing and inconsistent.

The changes incorporated into Claim 1 by this Amendment address and correct the informalities noted by the Examiner. Accordingly, it is believed that the Examiner's formal concerns under 35 U.S.C. § 112, second paragraph are now obviated.

In the Office Action, the Examiner initially rejected Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art of the subject

Patent Application's own Specification, in view of the Yamaguchi, et al. reference. In setting forth this rejection, the Examiner acknowledged that the admitted prior art fails to teach the use of a thermal-withstanding protection layer. The Examiner, however, cited the Yamaguchi, et al. reference for disclosing a protective layer over a hologram. Correlating this protective layer to the thermal-withstanding protection layer, the Examiner concluded that it would have been obvious to one of ordinary skill in the art to have incorporated such protection layer in place of the varnish in the admitted prior art.

Applicant's process is one in which a 3D-image is simply yet securely transferred onto an inner cup surface and remains there, undistorted through subsequent processing for encapsulation by an injection molded transparent outer cup formed thereabout. As newly-amended independent Claim 1 now more clearly recites, the process includes among its steps that of "capturing and rolling directly against a surface of an inner cup an image layer bearing a 3D-image," whereby the 3D-image is "transferred to said inner cup surface." The process includes the further step of "capturing and rolling a thermal protection layer against the exterior of said 3D-image on said inner cup surface," such that the thermal protection layer is "transferred onto the surface of the inner cup over said 3D-image." The inner cup having both the "transferred 3D-image and the thermal protection layer" is placed "in a die assembly to be encapsulated," as Claim 1

further clarifies.

The full combination of these and other features now more clearly recited by Applicant's pending Claims are nowhere disclosed by the cited prior art. As the Examiner readily acknowledged, the prior art disclosed in the subject Patent Applicant itself fails to anywhere teach the use of a thermal protection layer over the 3D-image. Consequently, the disclosed prior art fails to teach any particular step(s) for forming such non-disclosed thermal protection layer over the given 3D-image.

Turning to the secondarily-cited Yamaguchi, et al. reference, the reference departs quite fundamentally from Applicant's claimed process. It is most telling, perhaps, that the multi-layered laminated structure disclosed by the reference results in a "hologram forming sheet" that may then be used as a wrapper or other packaging material. Regardless of its structure, therefore, such "hologram forming sheet" correlates at best to nothing more than the "image layer" recited by Applicant's Claims, and its formation does not correlate to any injection encapsulating process for incorporating such image layer into a cup structure. The reference thus fails to anywhere even suggest such steps now more clearly recited by newly-amended Claim 1 as "capturing and rolling directly against a surface of an inner cup an image layer bearing a 3D-image," or "capturing and rolling a thermal protection layer against the exterior of said 3D-image on said inner cup

surface.”

The reference teaches quite to the contrary, explaining that the resulting “hologram forming sheet,” even where processed as described in the passage at Column 18; Lines 8-14 relied upon by the Examiner, is to be “used as wrapping materials, cartons,” and the like (Column 18; Lines 27-28). Moreover, one of the very purposes of Yamaguchi, et al.’s disclosed fabrication process for such sheets is to remove any need for them to be “reheated” after formation (see Column 1; Lines 35-48). The reference prescribes a stamped-type embossing of a hologram relief onto a polypropylene resin having sufficient hardness properties that it is, without more, “satisfactorily protected against potential damage or loss,” (Column 2; Lines 67-68). That is, the reference specifically sets out to altogether obviate the need for any extraneous protective measures for the hologram, thermal or otherwise. It therefore teaches away from any extraneous “thermal protection layer,” let alone “capturing and rolling” such layer “against the exterior of ... [a] 3D-image on ... [an] inner cup surface,” as newly-amended Claim 1 now more clearly recites.

It is respectfully submitted for these and other reasons that the admitted prior art and the Yamaguchi, et al. reference, even when considered together, fail to disclose the unique combination of elements now more clearly recited by Applicant’s pending Claims for the purposes and objectives disclosed in the subject Patent Application.

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It is now believed that the subject Patent Application has been placed fully
in condition for allowance, and such action is respectfully requested.

Respectfully submitted,



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